

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

NO. 19-CR-20726

vs.

HON. PAUL D. BORMAN

D-3 GARY JONES,

Defendant.

**GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE
PURSUANT TO SECTION 5K1.1 OF THE SENTENCING GUIDELINES**

The United States respectfully moves pursuant to Section 5K1.1 of the Sentencing Guidelines to sentence the defendant, Gary Jones, below the guideline range due to his substantial assistance. In support of this motion, the government states as follows:

I. Background of Jones' Cooperation

In December 2019, before being charged, counsel for Jones contacted the prosecution team. He conveyed that Jones was willing to provide information to and cooperate with the prosecution team concerning the ongoing UAW corruption investigation.

Beginning in January 2020, Jones met with prosecutors and federal agents for a series of debriefings. During these meetings, Jones was open, truthful, and

candid about his own criminal activity and the criminal activity of other UAW officials. The government believes that Jones has been truthful and complete in the information he has provided.

II. Results of Jones' Cooperation

Jones' cooperation and the information he provided during the debriefings were subsequently disclosed to the attorneys for former UAW President Dennis Williams. Ultimately, as this Court is aware, Williams pleaded guilty to conspiring to embezzle UAW funds. The government believes that Jones' cooperation contributed to Williams' decision to plead guilty and the government's ability to secure his conviction. Even after Williams' guilty plea, the government repeatedly consulted with Jones and his counsel to gather additional information that was relevant to and helpful for the sentencing of Williams. Ultimately, the Court sentenced Williams to 21 months in prison, a \$10,000 fine, forfeiture, and restitution. Although Williams sought to evade responsibility for his role in the criminal activity, partly by pointing the finger at Jones, Jones' cooperation helped ensure that Williams was convicted and received an appropriate sentence.

Jones' cooperation also aided the government in its effort to secure federal oversight of the UAW. In December 2020, the United States filed a civil lawsuit against the UAW pursuant to the Anti-Fraud Injunction Act, 18 U.S.C § 1345. As

a result of the lawsuit, the Court entered a Consent Order and appointed an Independent Monitor to provide oversight of the UAW for six years. As part of the Consent Decree, the Monitor will conduct a referendum of UAW members as to whether to change the union's election system to a "one member, one vote," direct election method. In addition, the Consent Decree requires the UAW to pay \$1.5 million to resolve tax issues with the IRS and recognizes the UAW's obligation to reimburse millions of dollars to the Ford and FCA US training centers based on improper chargebacks of UAW salaries. Jones' cooperation and debriefings in this prosecution assisted the government in preparing its complaint in the civil lawsuit, negotiating with the UAW over the terms of the Consent Decree, and ultimately in securing this settlement.

The government has not yet completed its criminal investigation of all targets of the UAW corruption investigation. Jones has provided information concerning these additional targets and is willing to testify if necessary. In addition, Jones has offered to meet with the Monitor and his staff in order to assist with the Monitor's mandate. It is possible that the government will seek to recognize these parts of Jones' cooperation, which are not yet complete, in the future.

III. Sentencing Recommendation Based on Cooperation

As set forth above, Jones' cooperation was of significant assistance to the

government's investigation and its prosecution of Williams, as well as in achieving the Consent Decree in the case against the UAW. Pursuant to the Cooperation Agreement, the Rule 11 Agreement, and Section 5K1.1, the government requests a downward departure to a sentence of 28 months from the guideline range of 46 to 57 months based on Jones' substantial assistance in the investigation and prosecution of other individuals and entities.

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s/David A. Gardey
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Dated: June 3, 2021

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2021, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Counsel of Record for Gary Jones

s/David A. Gardey

DAVID A. GARDEY
Assistant United States Attorney

Dated: June 3, 2021